

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL HOGUE,

Plaintiff,

v.

Docket No. 12-708

FREDERICK CHEVROLET-
CADILLAC, INC., and JONESTOWN
BANK AND TRUST,

Defendants.

**FREDERICK CHEVROLET-CADILLAC, INC.'S MOTION TO DISMISS COMPLAINT
PURSUANT TO RULE 12(b)(6)**

AND NOW comes Defendant, Frederick Chevrolet-Cadillac, Inc., by and through its counsel, Peggy M. Morcom, Esquire and the law firm of Reilly, Wolfson, Sheffey, Schrum and Lundberg, LLP, and hereby moves for dismissal of the Complaint based on Plaintiff's failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Frederick Chevrolet-Cadillac, Inc.'s Brief in Support of its Motion to Dismiss will be filed in accordance with Local Rule 7.5.

Plaintiff does not concur in this motion.

Respectfully submitted,

Reilly, Wolfson, Sheffey,
Schrum & Lundberg, LLP

By: s / Peggy M. Morcom
Peggy M. Morcom, Esquire
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Date: July 10, 2012

CERTIFICATE OF SERVICE

I, Peggy M. Morcom, Esquire, do hereby certify I served a copy of the foregoing document via electronic filing, on the date set forth below, as follows:

Matthew B. Weisberg, Esquire
Weisberg Law, P.C.
7 South Morton Avenue
Morton, PA 19070

s / Peggy M. Morcom
Peggy M. Morcom, Esquire

Date: July 10, 2012